

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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AUTOEXPO ENT INC., PEACE PROPERTIES LLC,  
NETWORK REINSURANCE COMPANY INC., AUTO  
EXCHANGE CENTER, LLC, and CHROME  
INSURANCE AGENCY LLC,

Case No.: 2:23 cv 9249

*Plaintiffs*

*Against*

**NOTICE OF MOTION**

OMID ELYAHOU, SIMPSOCIAL LLC, FIFTY  
SEVEN CONSULTING CORP. d/b/a CERTIFIED  
AUTO GROUP a/k/a CERTIFIED PERFORMANCE  
MOTORS AVI EITAN, and FAZEEDA KASSIM,

*Defendants.*

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PLEASE TAKE NOTICE that upon the annexed Memorandum of Law, dated the 13<sup>th</sup> day of December 2024, and upon all papers filed herein, a motion will be made by the Defendants to this Court, the HONORABLE MAGISTRATE JUDGE STEVEN L. TISCIONE presiding, at the courthouse located at United States District Court Eastern District of New York, 100 Federal Plaza Central Islip, NY 11722, on the 24<sup>th</sup> day of June 2024 the date set by the Court on January 13, 2025 at 9:30 o'clock in the forenoon or as soon thereafter as counsel can be heard, for a judgment pursuant to Federal Rule of Civil Procedure 8(a), 12(b)(1) and 12(b)(6), dismissing the Complaint, and for such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant Minute Order for Motion Hearing on October 25, 2024, before Magistrate Judge Steven Tiscione: Plaintiffs' Letter Motion to Amend the Complaint [42] is granted. Plaintiffs shall file the Amended Complaint by November 1, 2024. Defendants' Motions to Dismiss the original complaint [30][38][39] are denied as moot. However, Defendants do not need to refile the motions and may simply refer back to the docket entries of prior filings if they intend to move to dismiss the Amended Complaint on the same grounds.

Defendants may file a supplemental motion to dismiss the Amended Complaint adding any new arguments generated by the amendments. The briefing schedule for this supplemental motion shall be as follows: Defendants shall serve their motion on Plaintiffs by December 6, 2024; Plaintiffs shall serve their response on Defendants by December 27, 2024; Defendants shall serve their reply and file the fully-briefed motion on ECF by January 13, 2025. Discovery remains stayed pending a decision on the upcoming motion to dismiss. (*See* Dkt. No. 47).

Dated: December 6, 2024  
Garden City, New York

Respectfully Submitted,  
EMOUNA & MIKHAIL, PC

*Matin Emouna*

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